

CHAPTER 468E
SPEECH PATHOLOGISTS AND AUDIOLOGISTS

SECTION

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§468E-1 Purpose. It is the policy and the purpose of this chapter to insure that only qualified persons be allowed to practice in the fields of speech pathology and audiology.

§468E-2 Definitions. As used in this chapter:

"ASHA" means the American Speech-Language-Hearing Association, the national administrative office of which is located in Rockville, Maryland, 10801 Rockville Pike (20852).

"Audiologist" means an individual who practices audiology.

"Board" means the state board of speech pathology and audiology, established under section 468E-6.

"Person" means any individual, organization, or corporate body, except that only an individual may be licensed under this chapter.

"Speech pathologist" means an individual who practices speech pathology.

"The practice of audiology" means the application of principles, methods, and procedures of measurement, prediction, evaluation, testing, counseling, consultation, and instruction related to the

development and disorders of hearing and related language and speech for the purpose of modifying hearing function and related language and speech disorders.

"The practice of speech pathology" means the application of principles, methods, and procedures of measurement, prediction, evaluation, testing, counseling, consultation, and instruction related to the development and disorders of speech and related language and hearing for the purpose of modifying speech and related language and hearing disorders.

§468E-3 Practice as speech pathologist or audiologist; title or description of services.

(a) A person represents oneself to be a speech pathologist when the person:

- (1) Holds oneself out to the public by any title or description of services incorporating the words "speech pathologist," "speech pathology," "speech therapy," "speech correction," "speech correctionist," "speech therapist," "speech clinic," "speech clinician," "language pathologist," "language pathology," "logopedics," "logopedist," "communicology," "communicologist," "asphasiologist," "voice therapy," "voice therapist," "voice pathology," or "voice pathologist," "language therapist," or "phoniatrist," or any similar titles;
- (2) Purports to treat stuttering, stammering, or other disorders of speech;
- (3) Is employed as a faculty member in speech pathology;
- (4) Is employed as a speech pathologist by the State or any county agency.

(b) A person represents oneself to be an audiologist when the person:

- (1) Holds oneself out to the public by any title or description of services incorporating the terms "audiology," "audiologist," "audiological," "hearing clinic," "hearing clinician," "hearing therapist," or any similar titles;
- (2) Is employed as a faculty member in audiology;
- (3) Is employed as an audiologist by the State or any county agency.

§468E-4 Persons and practices not affected. Nothing in this chapter shall be construed as preventing or restricting:

- (1) A physician or surgeon from engaging in the practice of medicine in this State; or
- (2) A licensed hearing aid dealer from engaging in the practices of fitting and selling hearing aids in this State; or
- (3) Any person licensed in this State by any other law from engaging in the profession or occupation for which the person is licensed; or
- (4) Any person employed by any federal government agency as a speech pathologist or audiologist from performing that person's duties as an employee of the agency if the person must qualify for employment under government certification or under civil service regulations; provided that this section is applicable only when the person is performing duties as a federal employee. However, such person, without obtaining a license under this chapter, may consult with or disseminate the person's research findings and other scientific information to speech pathologists and audiologists outside the jurisdiction of the organization by which the person is employed. Such person may additionally elect to be subject to this chapter; or

- (5) The activities and services of persons pursuing a course of study leading to a degree in speech pathology at a college or university, if such activities and services constitute a part of a supervised course of study and such person is designated "speech pathology intern," "speech pathology trainee," or by other such titles clearly indicating the training status appropriate to the person's level of training; or
- (6) The activities and services of a person pursuing a course of study leading to a degree in audiology at a college or university, if such activities and services constitute a part of a supervised course of study and such person is designated "audiology intern," "audiology trainee," or by any other such titles clearly indicating the training status appropriate to the person's level of training; or
- (7) The activities and services of a person fulfilling the clinical experience requirements or the clinical fellowship year leading to the ASHA certificate of clinical competence; or
- (8) The performance of speech pathology or audiology services in this State by any person not a resident of this State who is not licensed under this chapter, if such services are performed for no more than five working days in any calendar year and in cooperation with a speech pathologist or audiologist licensed under this chapter, and if such person meets the qualifications and requirements for application for licensure described in section 468E-5. However, a person not a resident of this State who is not licensed under this chapter, but who is licensed under the law of another state which has established licensure requirements at least equivalent to those established by section 468E-5, or who is the holder of the ASHA certificate of clinical competence in speech pathology or audiology or its equivalent, may offer speech pathology or audiology services in this State for no more than thirty working days in any calendar year, if such services are performed in cooperation with a speech pathologist or audiologist licensed under this chapter.

§468E-5 Eligibility for licensure. To be eligible for licensure by the board as a speech pathologist or audiologist, a person shall:

- (1) Possess at least a master's degree or its equivalent in the area of speech pathology or audiology, as the case may be, from an educational institution recognized by the board;
- (2) Submit to the board evidence of eligibility for meeting the requirements of the American Speech-Language-Hearing Association for the certificate of clinical competence in speech pathology or audiology, or both; and
- (3) Pass a written examination approved by the board.

§468E-6 Board of speech pathology and audiology. (a) There is hereby established within the department of commerce and consumer affairs a state board of speech pathology and audiology consisting of seven members.

(b) The membership of the board shall include two speech pathologists, two audiologists, and three public members, one of whom shall be licensed to practice medicine in the State and hold a

certificate of qualification from the American Board of Otorhinolaryngology. Appointees shall be fully licensed speech pathologists or audiologists.

All members of the board shall be residents of the State.

(c) Members shall serve for a term of three years. Terms shall begin on the first day of the fiscal year and end on the last day of the fiscal year.

(d) Four members of the board shall constitute a quorum for all purposes, but in no instance shall a meeting of the two speech pathologist members and two audiologist members alone be considered a quorum.

§468E-7 Functions and powers of the board. (a) In addition to any other powers and duties authorized by law, the board, in accordance with chapters 91 and 92, shall administer, coordinate, and enforce this chapter.

(b) In addition to other powers and duties authorized by law, the board, in accordance with chapter 91, shall adopt rules relating to professional conduct to effectuate the policy of this chapter, including but not limited to rules that establish ethical standards of practice, and for other purposes, and may amend or repeal the same.

§468E-8 License. (a) After December 31, 1988, no person shall engage in the practice of speech pathology or audiology unless the person is licensed in accordance with this chapter or as otherwise provided in this chapter.

(b) All speech pathologists and audiologists employed by a county or state government shall comply with the license requirements of this chapter by December 31, 1984; provided that: (1) Any person engaged in the practice of speech pathology or audiology on or before October 1, 1981, as an employee of or under contract to a county or state government agency shall be deemed in compliance with the licensure requirements without the necessity of holding an ASHA certificate and may continue to practice speech pathology or audiology, as the case may be, for as long as the person remains continuously employed in any county or state government agency for that purpose; and

(2) The records of the board of speech pathology and audiology shall distinguish between those employees practicing speech pathology and audiology who are licensed in accordance with this chapter, and those who are deemed to be in compliance with the licensure requirements in accordance with this subsection.

(c) A person certified by ASHA or licensed under the laws of another state or the District of Columbia as a speech pathologist or audiologist who has applied for a license in this State may perform speech pathology or audiology services in this State for a period not to exceed ninety days from the time of submitting the person's application.

§468E-9 Application for examination. (a) A person eligible for licensure under section 468E-5 and desirous of licensure shall make application for examination to the board at least thirty days prior to the date of examination, upon a form and in such a manner as the board shall prescribe.

- (b) Any application shall be accompanied by the appropriate fee.
- (c) A person who fails an examination may make application for reexamination if the person again meets the requirements of subsections (a) and (b) of this section.

§468E-10 Examination for license. (a) Each applicant for licensure under this chapter shall take a written examination in accordance with procedures prescribed by the board. Standards for acceptable performance shall be established by the board.

(b) Applicants for licensure shall be examined at a time and place and under such supervision as the board may determine.

(c) The board may examine in whatever theoretical or applied fields of speech pathology or audiology it considers appropriate and may examine with regard to a person's professional skills and judgment in the utilization of speech pathology or audiology techniques and methods.

(d) The board shall maintain a permanent record of all examination scores.

§468E-11 Waiver of examination or parts thereof. The board shall waive the requirements of section 468E-5 for applicants for licensure who, on the effective date of this chapter, are actually engaged in this State in the practice of speech pathology or audiology, upon proof of bona fide practice presented to the board in a manner prescribed by rules adopted by the board.

§468E-12 Issuance of license. The board shall issue a license to any person who meets the requirements of this chapter and who pays to the board the initial license fee.

§468E-13 Disciplinary action. (a) In addition to any other actions authorized by law, the board may take disciplinary action against any licensee, including but not limited to revocation, suspension, fine, or a combination thereof, or refuse to issue or renew a license for any cause authorized by law, including but not limited to the following:

- (1) Obtaining a license by means of fraud, misrepresentation, or concealment of material facts;
- (2) Professional misconduct or unethical conduct;
- (3) Conduct constituting fraudulent or dishonest dealings;
- (4) Violating any provision of this chapter or rules adopted thereunder;
- (5) Failure to comply with a board order; or
- (6) Making a false statement on any document submitted or required to be filed by this chapter.

(b) Any person who violates this chapter or the rules adopted thereunder shall be fined not more than \$1,000 and each day a violation exists, failure to comply with this chapter shall constitute a separate violation.

§468E-14 Renewal of license. (a) Licenses issued under this chapter expire at midnight, December 31 of each odd-numbered year if not renewed.

(b) Every person licensed under this chapter on or before December 31, 1975, and each odd-numbered year thereafter, shall pay a fee for renewal of the person's license to the board. The board may, in the event payment of the renewal fee is rendered after December 31 of any odd-numbered year, renew a license upon payment of the renewal of license fee plus a monthly late renewal payment penalty, which penalty shall, be multiplied by the number of full months which have elapsed since expiration of the license. No person who requests renewal of license, whose license has expired, shall be required to submit to examination as a condition to renewal, if such renewal application is made within two years from the date of such expiration.

(c) A suspended license is subject to expiration and may be renewed as provided in this section, but such renewal shall not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity, or in any other conduct or activity in violation of the order or judgment by which the license was suspended.

(d) A license revoked on disciplinary grounds is subject to expiration as provided in subsection (a) of this section, but it may not be renewed. If such license is reinstated after its expiration, the licensee, as a condition of reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last preceding regular renewal date before the date on which it is reinstated plus the late renewal payment penalty defined in subsection (b) of this section.

(e) Any person who fails to renew the person's license within the five years after the date of its expiration may not renew it, and it may not be restored thereafter, but the person may apply for and obtain a new license if the person meets the requirements of this chapter.

§468E-15 REPEALED.

§468E-16 Penalties. Any person who violates any provision of this chapter or any rule or regulation promulgated thereunder shall be guilty of a petty misdemeanor, the fine for which shall be not more than \$1,000.

[§468E-16.5] Cumulative remedies or penalties. Unless otherwise expressly provided, the remedies or penalties provided by this chapter are cumulative to each other and to the remedies or penalties available under all other laws in this State.

[§468E-17] Severability provision. If any part of this chapter is for any reason held unconstitutional, inoperative, or void, such holding of invalidity shall not affect the remaining portions of the chapter; and it shall be construed to have been the legislative intent to pass this chapter without such unconstitutional, invalid, or inoperative part therein; and the remainder of this chapter, after the exclusion of such part or parts, shall be valid as if such parts were not contained therein.

[\$468E-18] Right of injunction. The department of commerce and consumer affairs may, in addition to any other remedies available, apply to a court having competent jurisdiction for an injunction to restrain any violation of this chapter.